

---

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

U.S. BANK NATIONAL ASSOCIATION AS  
LEGAL TITLE TRUSTEE FOR TRUMAN  
2016 SC6 TITLE TRUST,

Plaintiff,

vs.

PAUL DAVIDSON and ROBYNN  
DAVIDSON and DEVON STETTLER and  
JENNIFER MORK and DOES 1-10, inclusive,  
including all unknown persons in possession  
of real property located at 8243 South Allen  
Street, Midvale, Utah 84047-7237,

Defendants.

**ORDER GRANTING MOTION TO  
REMAND AND REMANDING CASE**

Case No.: 2:18-cv-00701

Honorable Jill Parish

BEFORE THIS COURT is Plaintiff U.S. Bank Nation Association, as Legal Title  
Trustee for Truman 2016 SC6 Title Trust's *Motion to Remand to State Court* [ECF No. 5], with  
notice having been provided pursuant to the Fed. R. Civ. P. and DUCivR. No objections or  
oppositions were timely raised to the pending motion.

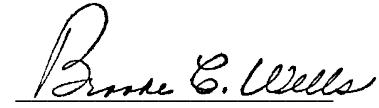
The court finds Plaintiff's arguments are well taken. Defendant Jennifer Mork alleges the  
unlawful detainer summons and complaint in the underlying foreclosure action in state court did  
not provide the required 90-day notice to vacate under the Protecting Tenants at Foreclosure Act.  
Accordingly, Ms. Mork argues this defense grants this court federal jurisdiction to dismiss the  
unlawful detainer action. *See* [ECF No. 3] However, a case may not be removed to federal court  
solely because of a defense or counterclaim arising under federal law. *Topeka Hous. Auth. v.  
Johnson*, 404 F.3d 1245, 1247 (10th Cir. 2005). Thus, this court lacks subject-matter jurisdiction  
and must remand the case back to the state court. *See* 28 U.S.C. §1447(c). Accordingly, the court  
GRANTS Plaintiff's Motion to Remand [ECF No. 5]. This matter is remanded to the District  
**ORDER -1**

Court of Utah, Third Judicial District, Salt Lake County – Salt Lake City.

IT IS SO ORDERED.

Dated: October 19, 2018.

BY THE COURT:



Magistrate Judge Brooke C. Wells

**ORDER -3**